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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,899	09/30/2003	Dan Jones	45098.00010.UTL1	8061
67670	7590	06/14/2007		
Paul Hastings Janofsky & Walker LLP 3579 Valley Centre Drive San Diego, CA 92130			EXAMINER MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2616	
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			06/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5X

Office Action Summary	Application No. 10/676,899	Applicant(s) JONES ET AL.	
	Examiner Michael J. Moore, Jr.	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 87-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/07 has been entered.

Specification

Applicant's amendments (submitted 4/20/05) made to the specification to obviate objections of the Office Action mailed 11/17/04 are acknowledged. However, it is suggested that Applicant provide these amendments in proper form by using a strike-through for deleted text and underlining for added text. See 37 C.F.R. 1.121(b).

Claim Objections

2. Claims **87, 95, 98, 99, and 101** are objected to because of the following informalities:

Regarding claim **87**, on line 7, an objection is made to the use of the word "can". This word constitutes optional language that does not further limit this claim. See MPEP 2106, II, C.

Regarding claim **95**, on line 17, an objection is made to the use of the word "may". This word constitutes optional language that does not further limit this claim. See MPEP 2106, II, C.

Regarding claim **98**, on lines 8 and 11, an objection is made to the use of the phrase "can be". This phrase constitutes optional language that does not further limit this claim. See MPEP 2106, II, C.

Regarding claim **99**, on line 2, an objection is made to the use of the phrase "can be". This phrase constitutes optional language that does not further limit this claim. See MPEP 2106, II, C.

Regarding claim **101**, on line 2, an objection is made to the use of the phrase "capable of". This phrase constitutes optional language that does not further limit this claim. See MPEP 2106, II, C.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **87-104** are rejected under 35 U.S.C. 102(b) as being anticipated by Ludwig et al. (U.S. 6,237,025) (hereinafter "Ludwig"). *Ludwig* teaches all of the limitations of the specified claims with the reasoning that follows.

Regarding claim **87**, "providing a plurality of services to be used in a multimedia conference session, wherein each of the plurality of services is hosted by and independently executable through at least one service endpoint in a communications network" is anticipated by the audio/video/data teleconferencing (plurality of services)

provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

“Enabling a plurality of users to participate in the multimedia conference session, wherein each user can participate in the conference session through at least one respective user endpoint in the communications network” is anticipated by the setting up (enabling) of required audio/video and data paths between CMWs 12 (user endpoints) by MLAN server 60 of Figure 3 as spoken of on column 8, line 66 – column 9, line 6.

“Receiving a request to initiate the multimedia conference session” is anticipated by initiating CMW 12 signaling MLAN server 60 via Data LAN hub 25 identifying the desired conference participants as spoken of on column 8, line 67 – column 9, line 1.

“In response to the session initiation request, establishing the multimedia conference session via the steps of: identifying respective user endpoints for each of the plurality of users participating in the session” is anticipated by MLAN server 60 that determines which conferees (identifies user endpoints) will accept a conference call request as spoken of on column 9, lines 1-6.

“Identifying a subset of services selected from the plurality of the services for the conference session and respective service endpoints associated with each of the subset of services in the communications network” is anticipated by MLAN servers 60 (service endpoints) of the involved MLANs 10 that control their respective A/V switching circuitry 30, conference bridges 35, and WAN gateways 40 to set up appropriate communication paths (identify subset of services) as spoken of on column 9, lines 7-11.

"Defining a message routing mesh comprising all of the user endpoints and service endpoints identified" is anticipated by MLAN servers 60 (service endpoints) that communicate with one another via data paths so that each MLAN 10 contains updated information (message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints) as spoken of on column 9, lines 13-17.

"Routing messages between any of the user and service endpoints in the message routing mesh during real-time performance of the conference session" is anticipated by the transmission of appropriate audio and video signals (messages) to/from each participant's CMW 12 as spoken of on column 19, lines 35-38.

Lastly, "updating the multimedia conference session with a newly selected service from the plurality of the services; and in response to the newly selected service, identifying a particular service endpoint associated with the newly selected service and including the particular service endpoint into the message routing mesh" is anticipated by conference participants that initiate data conferencing services (newly selected service) with selected participant CMWs involved in a videoconference via MLAN server 60 (service endpoint) as spoken of on column 8, lines 20-22 as well as column 26, lines 47-63.

Regarding claim **88**, "wherein the plurality of services comprise an audio service, a video service, a presence service, an authentication service and a graphic service" is anticipated by the audio, video, text, graphics, and mail capabilities provided in the collaboration system of Figure 1 as spoken of on column 8, lines 41-49.

Regarding claim **89**, "creating a temporary conference endpoint corresponding to the conference session; and including the temporary conference endpoint into the message routing mesh" is anticipated by the addition of one or more parties (temporary conference endpoint) to an existing two-party call as spoken of on column 24, lines 45-53.

Regarding claim **90**, "routing messages from a source endpoint to a destination endpoint directly in the communications network" is anticipated by the communication path establishment between CMWs at the same location (directly) spoken of on column 9, lines 1-6.

Regarding claim **91**, "routing messages from a source endpoint to a destination endpoint via an intermediate service endpoint in the communications network" is anticipated by the communication path establishment between CMWs at distant locations via MLAN servers 60 (intermediate service endpoints) and WAN 15 of Figure 1 as spoken of on column 9, lines 7-12.

Regarding claim **92**, "creating an additional user or service endpoint by installing and executing a software program on a computing platform connected to the communications network" is anticipated by the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **93**, "wherein the additional user endpoint or service endpoint is immediately available for communication with any existing endpoints in the conference

session” is anticipated by the connection provided to a new invited participant CMW as spoken of on column 25, lines 23-32.

Regarding claim **94**, “wherein a particular service is available simultaneously via more than one service endpoint so that identifying a service endpoint associated with the particular service further comprises determining a most suitable service endpoint from all service endpoints associated with the particular service pursuant to pre-defined protocols” is anticipated by the optimal routing for audio/video signals (determining most suitable service endpoint) through the WAN as shown in Figure 4 and spoken of on column 10, lines 61-67.

Regarding claim **95**, “a collaborative communication system configured to conduct multiple multimedia conference sessions simultaneously, wherein each conference session is dynamically configurable” is anticipated by the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

“A plurality of endpoints in a communications network, the plurality of endpoints comprising at least a first group of endpoints involved in a first multimedia conference session and a second group of endpoints involved in a second multimedia conference session” is anticipated by the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1 as well as the multiple simultaneous conference session capability spoken of on column 37, lines 44-54.

“A plurality of services, wherein each service is provided by at least one of a plurality of service endpoints distributed over the communications network” is

anticipated by the audio/video/data teleconferencing (plurality of services) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

“The first multimedia conference session is initiated from a first endpoint in the first group of endpoints, the first group of endpoints establishing a first message routing mesh so as to render the first session dynamically configurable” and “the second multimedia conference session is initiated from a second endpoint in the second group of endpoints, the second group of endpoints establishing a second message routing mesh so as to render the second session dynamically configurable” is anticipated by initiating CMW 12 (endpoint) signaling MLAN server 60 via Data LAN hub 25 identifying the desired conference participants as spoken of on column 8, line 67 – column 9, line 1, as well as MLAN servers 60 (service endpoints) that communicate with one another via data paths so that each MLAN 10 contains updated information (message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints) as spoken of on column 9, lines 13-17.

Lastly, “the first and second multimedia conference sessions are conducted simultaneously, and the first and second message routing meshes may contain endpoints in common” is anticipated by the simultaneous conferencing involving a user roaming from one active conference session to another active conference session as spoken of on column 37, lines 32-54.

Regarding claim 96, “wherein at least one of the plurality of services is a media service providing at least one of an audio feature, a video feature or a graphic feature”

is anticipated by the audio, video, text, graphics, and mail capabilities provided in the collaboration system of Figure 1 as spoken of on column 8, lines 41-49.

Regarding claim **97**, “wherein at least one of the plurality of services is a control service providing at least one of a presence feature, an authentication feature, or an endpoint locator feature” is anticipated by the tracking of party location spoken of on column 9, lines 13-17.

Regarding claim **98**, “A collaborative communication system configured to conduct multiple multimedia conference sessions simultaneously, wherein the system is dynamically configurable and expandable” is anticipated by the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

“A plurality of endpoints in a communications network” is anticipated by the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1.

“A plurality of services for conducting a multimedia conference session, wherein each service is provided by at least one of a plurality of service endpoints distributed over the communications network” is anticipated by the audio/video/data teleconferencing (plurality of services) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

“Wherein, each of the multiple multimedia conference sessions can be configured dynamically by adding or deleting any one of the plurality of endpoints in a message routing mesh associated with the conference session” is anticipated by the

adding or removing of participants from a session as spoken of on column 21, lines 55-64.

"Wherein, the collaborative communication system can be expanded by adding additional services and associated endpoints into the plurality of endpoints" is anticipated by the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

Regarding claim **99**, "wherein each additional service and associated endpoint can be added during any of the conference sessions without modification to any existing services or endpoints in the communications network" is anticipated by the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

Regarding claim **100**, "wherein each additional service and associated endpoint is added by installing and executing a software application on the endpoint, the software application relating to the service and accessible from a computing platform connected to the communications network" is anticipated by the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **101**, "wherein at least one service and associated endpoint is capable of providing customized service instances pursuant to one or more specific subscriptions by users participating in each multimedia conference session" is anticipated by the selection of appropriate audio and video signals to be transmitted to/from each participant's CMW as spoken of on column 19, lines 29-37.

Regarding claim **102**, "wherein the customized service instances comprise at least one service instance reflecting a pre-subscribed security degree" is anticipated by the database access services spoken of on column 8, line 47-49.

Regarding claim **103**, "wherein the customized service instances comprise at least one service instance reflecting a pre-subscribed audio quality" is anticipated by the audio file access service spoken of on column 8, lines 47-49.

Regarding claim **104**, "wherein the customized service instances comprise at least one service instance reflecting a pre-subscribed video quality" is anticipated by the video file access service spoken of on column 8, lines 47-49.

Response to Arguments

5. Applicant's arguments filed 3/20/07 have been fully considered but they are not persuasive.

Regarding new claims **87-104**, Applicant argues that *Ludwig* does not disclose any features that can render a multimedia conference session to be dynamically configurable.

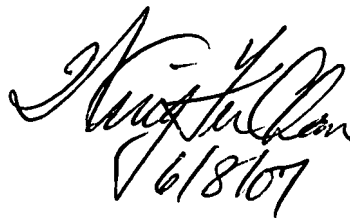
However, it is held that *Ludwig* anticipates the above new claims as provided above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael J. Moore, Jr.
Examiner
Art Unit 2616

mjm *MM*

WING CHAN
SUPERVISORY PATENT EXAMINER